

# SUMMARY REPORT DIGEST

CIVILLIAN OFFICE OF POLICE ACCOUNTABILITY

LOG NO  
**1086838**TYPE  
**CR**DATE OF REPORT  
**20-DEC-2017**

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **Five (5) DAYS SUSPENSION**.

TO: ☐ CHIEF ADMINISTRATOR,  
COPA☐ CHIEF,  
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
FITZPATRICK, KELSEY	9181			113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 5501 S. ASHLAND AVE, CHICAGO, IL 60636	DATE / TIME:15-DEC-2012 11:12	BEAT: 713
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## ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
HACKETT, CHRIS M	9161	7447		009		M / WHI	-1972	-1997	YES	YES
NORRIS, TERRENCE M	9161	16143		009		M / WHI	1980	-2003	YES	YES

## REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
MURPHY-AGUILU, JAMES	RANK: 9184, STAR NO: , EMP NO:			M / WWH	/

## VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	/

## WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
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\* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

## ALLEGATIONS

See Report

## SUMMARY

See Report

## ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:

## FINDINGS - RECOMMENDATIONS

See Report

DATE INITIATED  
(Date incident was received for investigation)

27-SEP-2017

DATE COMPLETED (Date of this report)

20-DEC-2017

ELAPSED TIME  
(Total time expressed in days)

84

Investigator will initiate the Command Channel Review form by  
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

## SUMMARY OF INCIDENT

On December 15, 2012 at approximately 11:18 AM, a Trailblazer SUV occupied by four black males was involved in a pursuit with a Chicago Police Department (CPD) vehicle driven by Officer Christopher Hackett and occupied by Officer Ruth Castelli. The pursuit ended at a gas station located at 55<sup>th</sup> and Ashland after the Trailblazer crashed. After the crash, the suspect men fled the vehicle. The fourth man exiting, [REDACTED], was hit by the CPD vehicle while trying to flee. After the two officers exited their vehicles, [REDACTED] was involved in a struggle with Officer Hackett. [REDACTED] again tried to flee, and was shot twice by Officer Castelli. [REDACTED] died shortly after. After [REDACTED] shooting, a crowd of civilians formed and numerous CPD officers came to the scene. One of the officers, identified as Officer Terrence Norris, was seen on video pushing a civilian named [REDACTED].

## ALLEGATIONS<sup>1</sup>

The complainant, the Civilian Office of Police Accountability (COPA), reviewed in-car camera footage from the CPD vehicle driven by Officer Hackett on December 15, 2012. COPA identified the following allegations.<sup>2</sup>

COPA alleged that on December 15, 2012 at approximately 11:18 AM, at or near 1451 W. Garfield Blvd **Officer Christopher Hackett, Star #7447:**

1. Engaged in an out of policy vehicle pursuit, in violation of Rule 6 in relation to CPD General Order G03-03-01

COPA also alleged that on December 15, 2012 at approximately 11:18 AM, at or near 1551 W. Garfield Blvd **Officer Terrance Norris, Star #16143:**

1. Used excessive and unjustified force by shoving [REDACTED], in violation of Rule 2, Rule 6 in relation to CPD General Order G03-02-02, Rule 8, and Rule 9.

## APPLICABLE RULES AND LAWS

**Rule 2:** prohibits, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

**Rule 6:** prohibits, "Disobedience of an order or directive, whether written or oral."

**Rule 8:** prohibits, "Disrespect to or maltreatment of any person, while on or off duty."

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<sup>1</sup> Details and analysis regarding [REDACTED] shooting can be found in the report for Log# 1059031.

<sup>2</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

**Rule 9:** prohibits, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

**Chicago Police Department General Order, G03-03-01, Emergency Vehicle Operations – Pursuits<sup>3</sup>**

**Chicago Police Department General Order, G03-02-02, Force Options<sup>4</sup>**

## INVESTIGATION

On December 15, 2012 at approximately 12:30 PM, IPRA personnel responded to the scene at 1551 W. Garfield Blvd, and made **Observations of Scene**. IPRA noted yellow crime scene tape across Garfield Blvd. and Ashland Ave., with red tape around a damaged silver SUV and a marked CPD SUV. IPRA observed evidence markers near two shell casings, a lighter, a small black flashlight, and a cellphone. Numerous individuals were gathered near 55th St. and Ashland Ave and IPRA noted that the crowd began yelling and moving into the intersection. There was a massive response of CPD officers with multiple arrests made to bring the scene under control.

Executive Officer Anthony Carothers provided IPRA information on the scene. Officer Carothers related that Officer Castelli and Officer Hackett were monitoring a flash message related to an armed robbery in progress with a description of the suspect vehicle and information that the suspects were armed with guns. The two officers observed the suspect vehicle near 55th St. and Western Ave., but the vehicle fled when the officers attempted to stop it. The officers then pursued the vehicle until it crashed at the Phillips 66 Gas Station at 55th St. and Ashland Ave. After the crash, four individuals exited the suspect vehicle. The first three suspects got away but the last individual, [REDACTED] reportedly stumbled and fell. Officer Carothers related that the two officers got out of their CPD vehicle and Officer Hackett got into an altercation with [REDACTED] in which [REDACTED] flipped Officer Hackett onto the ground. [REDACTED] then stood up with a black object in his hand and Officer Castelli reportedly yelled, “Gun, gun” before firing two shots at [REDACTED]. [REDACTED] was transported to St. Bernard’s hospital and was dead on arrival.

IPRA went to St. Bernard’s hospital where they were informed [REDACTED] was deceased and allowed to view [REDACTED] body. Additional IPRA personnel attempted to interview witnesses near the scene. Officer Hackett went to the hospital for arm and ankle injuries and Officer Castelli went to the hospital for precautionary reasons. Multiple witnesses were identified for [REDACTED] shooting through either information provided by Area Central Detectives or self-identified witnesses who called IPRA. Video was obtained from the Phillips 66 Gas Station and from Officer Hackett’s in-car camera. (Att. 49)

**CPD Event Queries** were obtained regarding the events of December 15, 2012. At 10:18 AM, Dispatch reported that four black males in a grey, 2006 Trailblazer were trying to rob a truck driver at 3900 S. Kedzie. At 10:19 AM, Dispatch related that the suspect car was a silver

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<sup>3</sup> The vehicle pursuit policy referenced in this report is the policy that was effective from June 1, 2003 until March 28, 2016. See Attachment 41.

<sup>4</sup> The use of force policy referenced in this report is the policy that was effective from May 16, 2012 until March 11, 2015. See Attachment 40.



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Trailblazer heading south on Kedzie with Indiana license plates. At 10:23 AM, Dispatch related that a silver Trailblazer with Indiana plates stole televisions from a truck at 3800 S. Kedzie. At 10:24 AM, Dispatch reported that the suspect vehicle contained a gun and approximately five black males heading east on Pershing. At 10:28 AM, Dispatch related that the suspects were seen on Pershing and "at least 1 is armed." At approximately 11:13 AM, Dispatch related the suspects were southbound on Western from 50th St. At 11:15 AM, Dispatch relayed that the suspect vehicle, "should have a gun in the car." At 11:15 AM, Dispatch reported that the suspects were eastbound on 55th St. and cautioned they "might go to the expressway." At 11:16 AM, Dispatch reported that there were four males southbound on foot heading towards Justine. At 11:17 AM, Dispatch reported shots fired and asked for an ambulance. At 11:18 AM, Dispatch requested additional officers and stated there was a need for crowd control. At approximately 11:17 AM, Dispatch reported that someone called the Office of Emergency Management Communications (OEMC) and related that a "man was shot then ran over." At 11:33 AM, Dispatch provided a description of two of the men who fled the scene. Additional remarks in the notes section included a description of the Trailblazer with license plate [REDACTED]. Dispatch also related that one white male and two black males "snatched the truck driver out of the truck and is now beating him," and that the suspects stole televisions from the truck. (Atts. 22 - 26)

**911 Calls** were obtained from the Office of Emergency Management Communications (OEMC) pertaining to the events of December 15, 2012. One caller reported, "There's three men that just assaulted someone near 38th and Kedzie." The caller related that the men were loading television into a truck and described the suspects as one white male and two black males. Another caller reported men in a grey Trailblazer near Pershing who had "a pistol" and were fighting with somebody near Pershing and Kedzie before heading east. This caller related that he saw four or five black males robbing "this guy" in a semi-truck. A truck driver near 38th and Kedzie reported that someone opened his trailer and stole televisions from inside. The truck driver was not sure how many televisions were taken but he related that he saw men jump out of a Trailblazer with Indiana plates and break his truck's seal. Another caller reported that the suspect vehicle had a license plate of [REDACTED] that "didn't look right." This same caller also reported that he saw two black men in a grey Trailblazer going north on Western that had just exited their SUV and broke the seal on a truck. A representative from the company On-Star reported a collision near Garfield & Ashland involving a silver 2007 Chevrolet Trailblazer. On-Star related that the crash had a Delta V of 8 MPH. One 911 caller announced, "They ran him over," "they ran that mother fuckin' man over," "we need an ambulance." (Att. 42)

A **CPD Original Case Incident Report** for RD # [REDACTED] was obtained which detailed an armed robbery committed by four unidentified black males. According to this report, on 15 December 2012, officers responded to an armed robbery in progress at 3817 S. Kedzie at 1025 hours. Officers Neary and Fitzgerald arrived first and issued a flash message of four males in a silver Chevrolet Trailblazer that had robbed multiple televisions from a trailer and was last seen driving south on Kedzie. (Att. 14)

**Detective Supplementary Reports** were located for RD # [REDACTED] that stated the suspect Trailblazer was registered to an individual named [REDACTED] a documented [REDACTED]. These reports also stated that the weather on December 15, 2012 was rainy and overcast. A second burglary was identified as occurring on December 15, 2012 at 5400 S. Western by

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suspects with the same description as the first robbery. The Supplementary Reports reported that the suspect Trailblazer was observed near 51<sup>st</sup> St. and Western Ave. at 1118 hours, approximately one hour after the first incident. The CPD officers who saw the Trailblazer attempted to stop the vehicle, which fled and crashed near 55<sup>th</sup> and Ashland. Three of the suspects fled while two officers (identified as Officer Castelli and Officer Hackett) tried to take the fourth suspect, [REDACTED] into custody. [REDACTED] attempted to defeat arrest and was shot and killed by Officer Castelli.

Detectives were made aware that a confidential informant had related information regarding the individuals in the SUV to Officer Perry Williams. The confidential informant told Officer Williams that the driver of the car was a man named "[REDACTED]" or "[REDACTED]" and one of the passengers was an individual named "AP." The confidential informant did not know of an additional passenger at the time of his call with [REDACTED].

A witness named [REDACTED] viewed a photo array on 16 December 2012 and identified [REDACTED] as an offender. [REDACTED] stated that on 15 December 2012 near Western Ave. & 55<sup>th</sup> St., he saw two black males exit the silver SUV and use yellow bolt cutters to break the seal of a semi-trailer. The males then closed the trailer doors, reentered the silver SUV, and fled on Western Avenue toward 51st Street. Later, [REDACTED] saw the same silver SUV driving south on Western Ave. while being pursued by the police.

Another CPD officer, Officer John Mikuzis, indicated he had a confidential informant who related information regarding the investigation. According to Officer Mikuzis, the confidential informant informed him that the offenders were from a robbery crew located at 56th and Shields Avenue. The confidential informant stated the driver was "A-P," who he identified as [REDACTED], and a second involved offender, "[REDACTED]," was identified as [REDACTED].

CPD also interviewed a witness named [REDACTED]. [REDACTED] related that he was near 39<sup>th</sup> Pl. and Kedzie when he saw the doors on a semi-trailer open and two black males enter with a third black male in the driver seat of a silver Trailblazer. [REDACTED] stated that he saw the two black males throwing boxes out of the semi-trailer. [REDACTED] was unable to describe what the suspects looked like. [REDACTED] denied calling OEMC and stating that the driver had been beaten or that the offenders had weapons. The driver of the semi-trailer, [REDACTED], reported that he recently left a railyard with a trailer of Samsung televisions. He was stopped at 38<sup>th</sup> and Kedzie when he noticed his trailer move and its door swing open. [REDACTED] then called the police and gave a description of the suspect vehicle but he was unable to give descriptions of the suspects. Another witness named [REDACTED] stated that he and his co-worker, [REDACTED], were driving near 39<sup>th</sup> St. and Kedzie when they saw four men removing large boxes from a semi-trailer. [REDACTED] saw a dark object in one of the offender's hands which appeared to be a handgun. [REDACTED] related that he saw a silver Trailblazer near 39<sup>th</sup> St. and Kedzie Ave. [REDACTED] also saw several individuals removing items from a truck. According to [REDACTED], the suspects fled the scene, at which point he saw four or five black males in the Trailblazer. [REDACTED] also related that he thought one of the suspects had a dark gun.

The detectives for this case requested that the case be suspended, pending further evidence.  
(Att. 43)

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An **Original Case Incident Report** was located for RD # [REDACTED]. This document details events that occurred on 15 December 2012 near 5400 S. Western Ave. at approximately 1106 hours. The victim, [REDACTED], and a witness, [REDACTED], reported that [REDACTED] was stopped behind [REDACTED] at a right light when [REDACTED] saw a silver Trailblazer stop behind [REDACTED]. [REDACTED] saw two males exit the SUV with bolt cutters and then cut open the rear lock of [REDACTED] trailer. [REDACTED] then observed these males enter and exit [REDACTED] truck before returning to the silver SUV and driving off. [REDACTED] believed there was another individual driving the SUV and one in the passenger seat, neither of whom he could see. **Detective Supplementary Reports** were also located for RD # [REDACTED]. These reports identified an offender named [REDACTED], a member of the [REDACTED], who was reportedly inside the silver SUV Trailblazer that was involved in breaking into [REDACTED]'s truck. These supplementary reports related that this case was suspended on February 2, 2013. (Atts. 44, 45)

**CPD Reports** were found for RD # [REDACTED]. Reports state that on 15 December 2012 at 1118 hours, [REDACTED] was accused of Aggravated Assault against a Peace Officer with a Handgun at a gas station located at 1551 W. Garfield Blvd. [REDACTED] is listed as a member of the [REDACTED] in this report. Available details state that [REDACTED] was mortally wounded after violently resisting a police officer and displaying what the officer thought was a handgun. Responding detectives observed a damaged silver Chevrolet Trailblazer on the scene which had temporary Indiana tags. The detectives also noted a marked CPD Tahoe on the scene, in addition to a black flashlight, a black cell phone, a wet rag, two spent cartridge casings, and a pool of blood. Detectives were told that [REDACTED] had been shot multiple times and was transported to St. Bernard's hospital, where he was pronounced dead at 1213 hours. Detectives determined the Trailblazer was registered to an individual named [REDACTED]. The cellphone found on the scene was not working.

Detectives spoke with Officer Hackett who related that he was driving while partnered with Officer Castelli when they heard a call regarding an armed robbery near 38th and Kedzie involving four black male suspects armed with guns and driving a gray Trailblazer. The officers heard a second call regarding two black males in a gray Trailblazer attempting to rob a truck near 54th and Western. The officers saw the suspect vehicle near 51st and Western and attempted to "curb" the Trailblazer. However, the Trailblazer fled at a high rate of speed while running red lights. Additionally, it was raining and the pavement was slick. The Trailblazer continued speeding until the vehicle crashed at a Phillips Gas Station located at 55th and Ashland Ave. Officer Hackett reported that he then saw a black male running from the vehicle as he approached, but there was debris on the road and Officer Hackett's view was obstructed. The CPD vehicle slid and struck an offender (identified as [REDACTED]). Both officers then exited their CPD vehicle to apprehend [REDACTED]. However, [REDACTED] flipped Officer Hackett over and slammed the officer. Officer Hackett then heard Officer Castelli yell, "gun, gun" before he heard two gunshots and [REDACTED] fell down. Officer Hackett then tried to restrain [REDACTED] but [REDACTED] was still resisting until additional officers arrived. Officer Hackett said [REDACTED] had a black metal flashlight under his body.

Officer Castelli stated that she and Officer Hackett were monitoring OEMC calls related to male, black offenders in a gray Trailblazer involved in an armed robbery. According to Officer Castelli, they saw the suspect vehicle near 54th and Western and attempted to "curb" the Trailblazer, which fled at a high rate of speed and ran red lights before it crashed near 55th and Ashland. Officer Castelli related that there was debris in the road and the street was wet. As the

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CPD vehicle turned into the lot where the Trailblazer crashed, the officers saw individuals fleeing on foot and the CPD car slid and crashed into one of the suspects (identified as [REDACTED]). As Officer Hackett attempted to detain [REDACTED], Officer Castelli was giving information over her radio when she saw [REDACTED] flip and slam Officer Hackett. Officer Castelli saw what she believed was a black gun in [REDACTED] hand so she fired twice at [REDACTED] then informed Dispatch and called for medical attention. Officer Castelli reported that no gun was found and a black flashlight was located underneath [REDACTED].

Officer Timothy Westbrook was interviewed by detectives and related that he and his partner, Officer Brad Loduca, were monitoring the radio and heard a flash message about a silver vehicle involved in a robbery near 38th and Kedzie that was followed by a flash message with the suspect vehicle's license plate. Officer Westbrook and his partner saw the suspect vehicle near 49th and Western when they heard that Beat 935 saw the silver vehicle and was in pursuit. Officer Westbrook stated that they followed the pursuit to 55th and Ashland, where the silver vehicle crashed. Officer Westbrook and his partner approached the gas station from the alley and heard Officer Castelli yell, "He's got a gun, He's got a gun, need assistance," and saw a male officer (identified as Officer Hackett) placing the offender (identified as [REDACTED]) into handcuffs. This detectives report related that Officer Westbrook saw [REDACTED] "clutching" a flashing in his right hand. Officer Loduca also related the flash messages heard by him and Officer Westbrook and the resulting pursuit. Officer Loduca reported that when he and his partner arrived at 55th and Ashland, he heard a female officer (identified as Officer Castelli) yelling and announcing the fleeing suspects' direction of flight. Officer Loduca and his partner then approached the gas station and saw a male officer (identified as Officer Hackett) putting an offender (identified as [REDACTED]) into handcuffs. Officer Loduca told detectives that he saw [REDACTED] holding a flashlight in his right hand.

Detectives also interviewed [REDACTED], a cashier at the gas station. [REDACTED] related that he was inside, heard a car crash, and then saw a smoking car. [REDACTED] stated that there were two gun shots and he saw a person on the ground. [REDACTED] told detectives that the gas station had surveillance video.

Another witness named [REDACTED] was interviewed by detectives. [REDACTED] reported that she and a friend, Adrian Cash, had stopped at the gas station when she saw a silver SUV hit a light pole and four to five people jumping out shortly after. [REDACTED] related that the last individual to exit the SUV (identified as [REDACTED]) was run over by the CPD car and that [REDACTED] attempted crawl out from under the CPD car before "tussling" with a male officer (identified as Officer Hackett). [REDACTED] then saw [REDACTED] body slam Officer Hackett. According to [REDACTED], a female officer (identified as Officer Castelli) pulled out her firearm and shot [REDACTED] twice. [REDACTED] saw a police officer handcuff [REDACTED] before an ambulance arrived. Cash stated that she and [REDACTED] had stopped at the gas station before going to work when she heard a loud noise and saw four to six black males fleeing from a gray truck. Cash stated the last black male (identified as [REDACTED]) got out of the truck when a CPD car pulled up and hit [REDACTED]. [REDACTED] fell down under the CPD vehicle and crawled out. Cash stated the male officer (identified as Officer Hackett) exited the driver's side of the CPD vehicle and jumped on [REDACTED] back. Cash then saw [REDACTED] flip Officer Hackett onto the ground before a female officer (identified as Officer Castelli) approached and shot [REDACTED].

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Detectives interviewed a witness named [REDACTED]. Shepherd told detectives that she was stopped at a red light at 55th and Ashland when she saw a silver truck lose control and hit a light pole. According to Shepherd, three individuals then jumped out of the truck and ran off while a police car arrived. Shepherd related that another man (identified as [REDACTED]) exited the truck and looked at the police. Next, Shepherd saw an officer fall, followed by hearing a gunshot. Shepherd did not see the officer fighting with [REDACTED]. (Att. 46)

**Detective Supplementary Reports** were found for RD # [REDACTED]. Available documents stated that Dr. Segovia completed an autopsy on [REDACTED] on 17 December 2012 and determined the cause of [REDACTED] death to be gunshot wounds/homicide. It was also reported that [REDACTED] was "violently resisting a lawful arrest," was "mortally wounded by arresting officer," and displayed what was believed to be a handgun in an attempt to defeat arrest. Documents stated that [REDACTED] committed an aggravated battery against a police officer with hands causing serious injury. Additionally, detectives attempted to perform a canvass but a crowd of individuals "became volatile and hostile towards the police that culminated in several arrests for Mob Action." On 15 August 2013, [REDACTED] was stopped for a traffic violation and brought to the 5th District to post bond. [REDACTED] told detectives he was refusing to speak about the investigation related to RD # [REDACTED]. (Atts. 47, 48)

**Officer Castelli** completed a **Tactical Response Report (TRR)** following [REDACTED] shooting. This report stated that while at 1551 W. Garfield Blvd., [REDACTED] pointed what Officer Castelli thought was a handgun in her direction and "in fear of her life and her partner's life discharged her firearm ceasing the threat." This report stated that [REDACTED] was armed, did not follow verbal direction, fled, pulled away, attacked with a weapon by slamming Officer Hackett on the ground, and put the officers in imminent threat of battery. This report also stated that weather conditions were rainy. The Watch Commander Review for this TRR states that Officer Castelli, "acted in compliance with the Department policy" because she fired "her weapon in fear of her life and the life of partner," when [REDACTED] pointed "an object in the direction" of Officer Castelli and Officer Hackett. Similarly, **Officer Hackett** completed a **Tactical Response Report (TRR)**. Officer Hackett's TRR related that he performed an emergency take down/handcuffing and was slammed by [REDACTED]. This report states [REDACTED] was armed when he was interacting with the officers. The Watch Commander Review for Officer Hackett's TRR relates, "Based on available information the officers [sic] actions were within the use of force model as the offender was an assailant." (Atts. 15, 17)


**Officer Hackett** submitted an **Officer's Battery Report (OBR)** which stated that he was subject to battery from [REDACTED]. This report states that no assisting officers were present when Officer Hackett was struck by [REDACTED]. Officer Hackett reported that, following a traffic pursuit, [REDACTED] slammed the officer on his back and [REDACTED] had a handgun. Officer Hackett reported experiencing non-fatal, minor injuries. This report also stated that the incident was gang related and that there were four offenders. Officer Hackett indicated that it was raining during the situation with [REDACTED]. **Officer Castelli** completed a similar **Officer's Battery Report (OBR)**. However, Officer Castelli reported no injuries and stated the incident was not gang related. (Atts. 12, 16)

A **Traffic Pursuit Report** was completed regarding Officer Hackett and Officer Castelli's pursuit of the suspect vehicle which contained [REDACTED]. This report stated that on 15 December 2012



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at approximately 1115 hours, Officer Hackett was driving a CPD vehicle near 5100 S. Western when the suspect vehicle was observed. This report also states that the vehicle disobeyed five traffic control devices, was speeding, weaving through traffic, and hit a light pole. The surface condition during the pursuit was reported as wet and the weather as raining. Traffic conditions were described as medium and pedestrian traffic was described as light. The pursued vehicle was detailed as a silver 2007 Chevrolet Trailblazer with a temporary Indiana tag and four passengers. The narrative portion of this report states, "Vehicle being pursued was wanted for several robberies/thefts with four offenders, with one being armed with a handgun." This report states that Officer Hackett, "was able to maintain safe maneuvering of Department vehicle during entire vehicle pursuit." This report indicates that OEMC was notified, the speeds involved permitted the pursuit, the speeds involved did not require termination of the pursuit, the pedestrian and vehicular traffic did not require termination of the pursuit, weather conditions were acceptable, and the pursuit was authorized. According to this report, the Trailblazer was driving approximately 90 miles per hour and the CPD vehicle was driving approximately 70 miles per hour. The Traffic Pursuit Report related that there was an accident that occurred during the pursuit with the pursued vehicle being damaged. The pursuit is detailed as covering roughly two miles. The report stated that the supervising sergeant was inquiring about speeds while the pursued vehicle's occupants were fleeing on foot. The report states that the, "severity of assignment with armed offender allowed for continuation." COPA notes that this Traffic Pursuit Report makes no mention of the fact that Officer Hackett struck [REDACTED] with the police vehicle. (Att. 13)



**Dash-Camera Video** from the CPD vehicle driven by Officer Hackett and occupied by Officer Castelli was obtained. The following chart details events in the video, along with an image and the approximate time of occurrence. (Atts.18)

Approx. Time	Description	Image
11:16:53	The suspect vehicle comes into view on the right-hand side.	

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11:16:58	The suspect vehicle gives chase.	
11:17:02	The CPD vehicle appears to attempt to overtake the suspect vehicle.	

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11:17:21	The suspect vehicle is speeding off and visibility appears to be diminished.	
11:17:38	The CPD vehicle catches up with the suspect vehicle.	



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11:18:14	The suspect vehicle is no longer visible in the camera footage.	
11:18:31	The CPD vehicle approaches the Phillips 66 Gas Station where the suspect vehicle has crashed.	



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11:18:30	██████ is struck by the CPD vehicle and falls to the ground.	
11:18:41	Officer Castelli is seen leaning down towards ██████.	



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11:18:42	Officer Hackett joins Officer Castelli in leaning towards [REDACTED] as Officer Castelli starts to stand up.	
11:18:45	Officer Castelli walks away from her partner and [REDACTED] while apparently using her CPD radio.	



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11:18:46	Officer Castelli has her back to Officer Hackett and [REDACTED] while [REDACTED] still appearing to use her radio.	 A black and white photograph showing a street scene. In the foreground, a person in a dark uniform (Officer Castelli) is seen from the back, facing away from the camera. They are standing near a white car parked on the street. In the background, there is a building with signs that read 'WASH PERFECT COIN DRY' and 'FREE DRY NOW'. A street sign is visible on a pole to the right of the car.
11:18:47	Officer Castelli turns towards her partner. Her weapon is visible and unholstered.	 A black and white photograph showing the same street scene as the previous image. Officer Castelli is now turned towards the right, facing the white car. Her right hand is visible, holding a small object (a weapon). The background remains the same, with the 'WASH PERFECT COIN DRY' building and 'FREE DRY NOW' sign.



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11:18:49	Officer Castelli bends back down towards her partner and [REDACTED]. Officer Hackett's back is seen.	 A black and white photograph showing a street scene. In the background is a building with signs that read "HIGH PERFECT COIN" and "LAUNDRY". A white car is parked in front of the building. In the foreground, two police officers are visible. One officer, wearing a dark uniform, is bending over, and another officer is partially visible next to her. The ground appears to be wet.
11:18:50	Officer Hackett flips over while Officer Castelli is looking down and trying to holster her gun.	 A black and white photograph showing the same street scene as the previous image. The white car is still parked in front of the laundromat. The two police officers are in a different position; one officer is now on the ground, and the other is leaning over her. The scene captures the moment after Officer Hackett has flipped over.



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11:18:50	Officer Castelli has not holstered her weapon and appears to be looking down at her partner through her hair/bangs.	
11:18:51	Officer Castelli grabs [REDACTED] left arm with her left hand and points her gun at [REDACTED] with her right hand while [REDACTED] attempts to flee.	

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11:18:51	██████ breaks away from Officer Castelli while her weapon is still pointed on ██████	
11:18:52	██████ falls out of frame while Officer Castelli has her right arm pointed in ██████ believed direction.	

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11:18:53	Officer Castelli holsters her gun.	
11:19:40	Officer Loduca and Officer Westbrook run up to the scene from the alley.	





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11:20:11	A witness, [REDACTED], is seen making arm gestures and apparently shouting towards the scene.	
11:20:33	Officer Ryan King and Officer Terrence Norris are seen running up towards the scene from the alley.	

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11:20:36	Officer Norris is seen running towards [REDACTED] with arms extended.	
11:20:36	[REDACTED] is seen moving over a guardrail after Officer Norris pushes him.	





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11:20:39	Officers Norris and King continue running towards the scene of [REDACTED] shooting.	





Similarly, **Security Camera Footage from the Phillips 66 Gas Station** was obtained that recorded [REDACTED] shooting. The following chart details events in the video, along with an image and the approximate time of occurrence. (Att. 50)

Approx. Time	Description	Image
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11:17:29	The suspect Trailblazer is seen sliding sideways into a utility pole.	
11:17:30	The suspect Trailblazer continues spinning and sliding and comes to a stop shortly after.	
11:17:34	One of the suspect SUV's occupants is seen exiting from the vehicle's rear.	
11:17:35	A second individual is seen fleeing from the Trailblazer, the first individual is still running, and the CPD vehicle manned by Officers Hackett and Castelli approaches.	





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11:17:37	A third individual is seen fleeing from the rear of the Trailblazer while the first two men continue running and the CPD vehicle draws closer.	
11:17:39	██████ has exited last out of the Trailblazer, attempts to flee in the same direction as the previous three men, and is struck by the CPD vehicle.	
11:17:39	██████ falls to the ground and the CPD vehicle continues driving over ██████ body.	
11:17:41	The CPD vehicle comes to a stop while ██████ is underneath the vehicle. The passenger door of the CPD car opens.	




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11:17:44	Officer Castelli moves to approach the front of the suspect car where [REDACTED] was struck as Officer Hackett moves towards the direction of the three men who fled.	
11:17:45	Officer Hackett changes direction and goes toward his partner as [REDACTED] is seen attempting to crawl out from under the CPD vehicle.	
11:17:49	Officer Hackett is hunched down towards [REDACTED] while Officer Castelli runs towards the direction the other three men fled.	
11:17:50	Officer Castelli runs back towards her partner.	

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11:17:53	Officer Hackett is flipped over by [REDACTED].		
11:17:54	[REDACTED] turns away from Officer Castelli and attempts to run as Officer Castelli grabs [REDACTED] left arm.		
11:17:55	[REDACTED] falls to the ground.		
11:17:58	Officer Hackett stands up and approaches [REDACTED] on the ground.		

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11:18:00	There appears to be a struggle with [REDACTED] on the ground involving at least two officers, one of whom appears to be Officer Hackett.	
11:18:21	The struggle appears to cease.	
11:18:41	Additional officers and CPD vehicles begin arriving on scene.	

**Interviews of accused Officer Ruth Castelli**

IPRA conducted an Interview with accused Officer Ruth Castelli on November 19, 2013. Officer Castelli related that on December 15, 2012, she was partnered with Officer Hackett. Officer Castelli recalled that the weather that day was rainy and “kind of cold.” Officer Castelli stated that she was in the passenger seat while Officer Hackett was driving. The officers heard a radio transmission regarding “an armed robbery in progress” so they drove towards the area of the reported robbery at 38<sup>th</sup> and Kedzie to look for the suspect vehicle. Officer Castelli could not recall if she reported via Dispatch that she was headed in that direction. Officer Castelli learned that “four male blacks jumped out of a silver gray Trailblazer and broke the seal from the back of a semi truck” while the truck was stopped at a red light. She learned the suspects removed some



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televisions and placed them in their vehicle. Officer Castelli recalled that Dispatch related the offenders were armed. Approximately 30 minutes later, the partners heard a similar call with similar circumstances related to a robbery near 54<sup>th</sup> and Western. Officer Castelli remembered Dispatch urging to use caution as the suspects were armed. Officer Castelli later learned "somehow" that the suspect vehicle had a temporary Indiana license plate. Officer Castelli stated she and Officer Hackett were traveling south on Western Avenue when they heard that the vehicle was seen near 50<sup>th</sup> and Western, so they headed in that direction. The partners observed a car that matched the description of the suspect vehicle from the first armed robbery and second robbery. Officer Castelli could tell approximately four people or more were inside of the car.

Officer Castelli stated that she and Officer Hackett engaged their lights and sirens in an attempt to pull the car over. When they pulled behind the car, Officer Castelli "could see the Indiana tag which kind of concluded that we knew for sure that, you know, this was the vehicle that was wanted for those armed robberies." Officer Castelli related that she went on the radio to report that they were in pursuit of the vehicle, which Dispatch acknowledged. Officer Castelli stated that at some point, a supervisor acknowledged pursuit. Officer Castelli stated that she believed Officer Hackett was driving about 70 miles per hour, though she could not "say for sure." Officer Castelli reported that they could see the suspect vehicle at all times during the pursuit.

Next, Officer Castelli stated that she saw the suspect vehicle "spin out" near Ashland and Garfield. The driver of the vehicle lost control and the vehicle "struck a pole." Officer Castelli related that she radioed Dispatch regarding the crash and she saw three black males exiting the rear of the suspect vehicle with a fourth individual (identified as [REDACTED]) shortly after. Officer Castelli stated that Officer Hackett was attempting to stop their vehicle when the CPD vehicle slid and struck [REDACTED]. Once the CPD vehicle stopped, the two officers exited their vehicle and both attempted to place [REDACTED] in custody while he struggled with the officers. Officer Castelli stated she and Officer Hackett were giving [REDACTED] "verbal commands" and attempting to control [REDACTED]. Specifically, she said she gave verbal commands like, "Show me your hands. Let me see your hands. Stop resisting." Officer Castelli related that [REDACTED] refused to give the officers his hands and [REDACTED] was not allowing Officer Hackett to put [REDACTED] hands into handcuffs. Officer Castelli stated that initially, she was "hands on" with [REDACTED] but she thought her partner had control of [REDACTED] so she got up and radioed Dispatch about the three men who had evaded the officers. According to Officer Castelli, when she turned back towards Officer Hackett and [REDACTED], she observed her partner "losing this fight" with [REDACTED]. Officer Castelli related that she had her gun in hand but she could not recall the exact moment she had brought her gun out. Officer Castelli reported she had her gun drawn because Dispatch had reported the offenders were armed. Officer Castelli stated that when she went to help her partner, she tried to holster her firearm because "at that particular time" she "did not see a threat." She explained that the type of threat she was looking for was "[w]hat the dispatcher was saying, that they were armed." She confirmed she did not see anybody armed "[a]t that particular point." She elaborated that she tried to holster her weapon because she did not see a weapon at that time and wanted her hands free to assist her partner. [REDACTED] then lifted Officer Hackett and flipped Officer Hackett over. Officer Castelli recalled that [REDACTED] was face down on the ground when they tried to place him in handcuffs. Officer Castelli did not know how [REDACTED] was able to get ahold of Officer Hackett but her partner landed on the ground.

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Officer Castelli saw [REDACTED] rising to his feet and she saw what she “thought at that time was a gun,” in [REDACTED] right hand and pointing in Officer Castelli’s direction. Officer Castelli related that she was not parallel to [REDACTED] but was “staggered” and “had a frontal view of him.” Officer Castelli said that [REDACTED] arm was not extended towards her. Rather, it was close to his body with his hand and object pointed in the officer’s direction. Officer Castelli reported that she then yelled, “Gun! Gun!” and “fired two shots in rapid succession.” Officer Castelli related that she was never able to holster her weapon and therefore had her gun in her hand already. Officer Castelli related that she was in fear of her own and her partner’s life, so she discharged her firearm. According to Officer Castelli, she was to the left of [REDACTED] when she fired and Officer Hackett was on the ground. Officer Castelli reported that she saw a black metal object in [REDACTED] hand which she believed to be a gun. Officer Castelli related this object was pointed in her direction. Officer Castelli reported that [REDACTED] “fell to the ground,” while [REDACTED] struggled and disobeyed their “verbal commands.” Officer Hackett got [REDACTED] into a “bear-type hug.” Officer Castelli related that struggle ended after additional officers arrived. Officer Castelli related that the first additional officer to arrive was Officer Chris Miller. Officer Castelli could not recall which supervisors she spoke with at the scene. Officer Castelli stated that she reported on the radio that shots were fired by police and an ambulance was required. She could not recall if she radioed for a supervisor. (Atts. 51, 52, 53)

COPA conducted an interview with Officer Castelli on October 4, 2017. Prior to beginning the interview, Officer Castelli invoked her Fifth Amendment right to remain silent. COPA telephoned Lieutenant Denham from the CPD Bureau of Internal Affairs, who gave Officer Castelli a direct order to cooperate with the COPA investigation.

Officer Castelli recalled that on December 15, 2012, she observed the suspect Trailblazer on 51<sup>st</sup> and Western Ave. Officer Castelli stated that she and Officer Hackett began the pursuit and never considered that they may have been pursuing the wrong vehicle. When asked how she knew this was the correct vehicle considering available dispatch messages reported various numbers of suspects, Officer Castelli maintained that she never thought it was the wrong vehicle. Officer Castelli stated that, when deciding the pursuit was safe, she personally considered the lack of pedestrians, light traffic, and her belief the CPD vehicle was driving at a safe and cautious speed. At no point did Officer Castelli think the pursuit was unsafe, nor was she worried Officer Hackett might lose control of the vehicle. Officer Castelli said that she was always able to see the Trailblazer ahead. Officer Castelli stated that she saw the Trailblazer spin out. However, Officer Castelli was unable to describe what transpired for the Trailblazer to spin out and crash.

According to Officer Castelli, she first saw [REDACTED] at some point while turning into the gas station. Officer Castelli related that the CPD vehicle slid and hit [REDACTED] while it was turning into the gas station. According to Officer Castelli, the only time she felt the CPD vehicle sliding was, as she previously stated in her IPRA interview, when they turned into the parking lot and struck [REDACTED]. After viewing the in-car camera video, Officer Castelli believed that the CPD vehicle was always driving at a safe speed. In reference to the Traffic Pursuit Report from this incident, Officer Castelli stated that, despite the fact that it was reported that the Trailblazer was going 20 miles per hour faster than the CPD vehicle, she was able to maintain a view of the Trailblazer at all times because there was no traffic. When asked to explain the discrepancy between Officer Hackett claiming he maintained safe maneuvering and the CPD vehicle hitting [REDACTED], Officer Castelli

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maintained that there was safe maneuvering of the CPD vehicle. She was then asked the following question: "So you said that during the pursuit you maintained safe maneuvering. But obviously, there wasn't safe maneuvering when a pedestrian got struck; are you saying that that moment when [REDACTED] was struck, was not part of the pursuit?" Officer Castelli responded she was "not sure how to answer that." Officer Castelli did not know why the CPD vehicle hitting [REDACTED] was not included in the Traffic Pursuit Report, aside from the fact that it would be included in other reports and "there's not always a box for every single situation that arises" on police forms. She believed the striking of [REDACTED] "would go on the Traffic Crash Report" and indicated a Traffic Crash Report was generated. She then explained that the "Traffic Crash Report" to which she was referring would have detailed the SUV hitting the pole. Officer Castelli did not know whether there was any additional documentation that specifically referenced the CPD squad car hitting [REDACTED]. Officer Castelli was asked, again, whether she considered the pursuit to have been terminated prior to the squad car hitting [REDACTED]. She stated, "I don't know how to answer that." She did not recall whether her training talked about the definition of the beginning or end of a pursuit. Officer Castelli then agreed that the vehicle pursuit ended when both she and her partner exited the vehicle.

According to Officer Castelli, after [REDACTED] was struck and she and her partner exited the CPD vehicle, she thought Officer Hackett had overpowered [REDACTED] but she was incorrect as [REDACTED] kept resisting. Officer Castelli also related that she did not believe she had turned her back on her partner. Rather, she stated she looked in the direction the remaining three suspects had fled and she radioed in. Officer Castelli related that she went from trying to holster her weapon to shooting [REDACTED] because she saw an object in his hand she thought was a gun. Officer Castelli said that events occurred quickly. Officer Castelli recalled that she did not see [REDACTED] hands when [REDACTED] was on the ground with Officer Hackett and Officer Hackett was on top of [REDACTED]. However, she said she was able to see [REDACTED] hands "[a]t some point after he flipped Officer Hackett." Officer Castelli was unable to recall if [REDACTED] used his hands while he was flipping Officer Hackett or if [REDACTED] had gloves on his hands. When asked whether she was looking directly at [REDACTED] when she shot at him, Officer Castelli stated she was staggered and had a frontal view of [REDACTED]. Officer Castelli denied that her hair was in her face or obscuring her vision.

Officer Castelli stated, after reviewing the in-car camera footage, that she had her hand on [REDACTED] arm when she discharged her weapon. Officer Castelli stated that her goal in grabbing [REDACTED] was to apprehend the suspect. Officer Castelli elaborated that apprehending the suspects was her goal from the beginning. Officer Castelli said that if she had not already been holding her firearm and had been able to holster her weapon, she believed she still would have reached for her gun because she feared for her and her partner's life and perceived a threat from [REDACTED]. Officer Castelli could not pinpoint in the video when she said "gun, gun." She said it was "hard to tell on the video because it happened so fast." She recalled that she said, "gun, gun" sometime after Officer Hackett was flipped by [REDACTED], when she "perceived the threat." Officer Castelli could not remember if she saw the flashlight attributed to [REDACTED] after [REDACTED] was shot due to the traumatic nature of the events. Officer Castelli carries a flashlight as a police officer, and she did not lose her flashlight that day. She said there was not a reason why she did not specify the type of weapon [REDACTED] was carrying in her TRR. Officer Castelli also did not know why the flashlight was not included in her TRR or whether it had to be. Officer Castelli described [REDACTED] as an imminent threat of battery because she believed [REDACTED] had a gun. Officer Castelli related that because of this perception, she believed [REDACTED] was an assailant at the time he was shot. Officer

Castelli was unable to recall the exact placement of [REDACTED] right arm when she thought she saw a gun in his hand. Officer Castelli was asked whether she grabbed [REDACTED] arm at the same time that she had a frontal view of [REDACTED] and saw an object in his hand. Officer Castelli responded, "I'm sorry. Ask me the question again. It's just—it's so—to try to dissect something that happened really fast, it's hard sometimes." Officer Castelli was then shown stills of the in-car camera video and asked which still depicted when she first saw an object in [REDACTED] hand. She agreed that she first saw the object after the first still, which showed her trying to holster her weapon. She was then said she could not tell from the stills if she saw the object before or after she reached for [REDACTED] arm. (Atts. 38, 39, 82)

### **Interviews of accused Officer Chris Hackett**

On December 5, 2013, IPRA interviewed Officer Chris Hackett. Officer Hackett stated that on December 15, 2012, he was partners with Officer Castelli. Officer Hackett stated that he was the driver in their CPD vehicle when they heard a radio call about an armed robbery at 38<sup>th</sup> and Kedzie. Officer Hackett stated that they proceeded to 38<sup>th</sup> and Kedzie and heard that they were looking for a silver Trailblazer with "some occupants." Officer Hackett related that the first transmission and subsequent messages indicated that one of the subjects in the suspect vehicle was armed. Officer Hackett reported that he and Officer Castelli drove around looking for the vehicle when they received another call with a similar vehicle description that was "hitting trailers" at 54<sup>th</sup> and Western. Next, a call came in that the suspect vehicle was seen near 50<sup>th</sup> and Western. When asked whether he heard again, at any point, that people in the vehicle were possibly armed, Officer Hackett stated "[t]hey had said it prior, so I was assuming the same thing." Officer Hackett observed the suspect vehicle near 50<sup>th</sup> and Western. According to Officer Hackett, he approached the suspect vehicle at a traffic light, at which point the suspect vehicle "took off" and Officer Hackett and his partner began a pursuit. Officer Hackett turned his lights and sirens on at 51<sup>st</sup> and Western.

Officer Hackett said that he and Officer Castelli called in the pursuit. Officer Hackett related that he followed procedure in the chase and had sufficient grounds to pursue. Officer Hackett recalled that the weather was rainy on this date, which he took into consideration. He could not recall his exact speed. Officer Hackett related that he never lost sight of the Trailblazer during the pursuit and he was aware of his surroundings and the weather conditions. When Officer Hackett initiated the chase, the SUV was four to five car lengths in front of Officer Hackett and Officer Castelli's car. The greatest distance between Officers Hackett and Castelli's car and the SUV during the chase was "[p]robably about a half a block." Officer Hackett did not recall any supervisor or anyone else ever telling him over the radio to discontinue the chase.

According to Officer Hackett, the chase continued for approximately a mile and a half. When asked whether he slowed down at intersections, Officer Hackett said he "slowed down, you know, 55<sup>th</sup> and Damen is a little iffy." Officer Hackett reported that once the suspect vehicle approached Ashland, it swerved to miss a vehicle, lost control, spun, struck a light pole, and crashed into a fence at the gas station. Officer Hackett indicated he was about half a block or less away when the Trailblazer crashed and spun. He slowed down through the intersection at Ashland after observing the crash. Officer Hackett reported that some of the passengers in the Trailblazer were exiting through the vehicle's tailgate and running away. Per Officer Hackett, once he was

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past the crashed vehicle, a subject (identified as [REDACTED] was exiting the Trailblazer and Officer Hackett stopped the car. Officer Hackett related that he applied the brake, slid into [REDACTED], hit [REDACTED], and [REDACTED] went under the vehicle. Officer Hackett stated that [REDACTED] appeared out of the back of the suspect vehicle, and the CPD vehicle struck [REDACTED]. Officer Hackett could not recall if Officer Castelli had her weapon out once he stopped the CPD vehicle and the officers exited.

Officer Hackett reported that when he exited the vehicle, he was looking at the three individuals running away and did not see what either [REDACTED] or Officer Castelli were doing. Officer Castelli yelled to Officer Hackett "He's coming out," referring to [REDACTED]. Once Officer Hackett realized [REDACTED] was crawling out from under the car, he went to place [REDACTED] into custody. Officer Hackett related that [REDACTED] was face down and he was to [REDACTED] left while attempting to grab [REDACTED] left hand to place into handcuffs. Officer Hackett said to [REDACTED], "Put your hands by your back." Officer Hackett related that once [REDACTED] began to stand up, Officer Hackett was flipped. Officer Hackett reported that he was "too high" on [REDACTED] shoulders, so [REDACTED] gained leverage to flip the officer by throwing Officer Hackett over his head while [REDACTED] was standing up with the officer's chest to the decedent's back. Officer Hackett recalled that when he began standing up, he heard Officer Castelli yell, "Gun! Gun!" and she fired two shots. Officer Hackett stated that he was on the ground between Officer Castelli and [REDACTED] when Officer Castelli shot. When asked whether Officer Hackett believed his life was in danger when Officer Castelli fired, Officer Hackett replied, "I believe [REDACTED] had a gun and that's why she fired." Officer Hackett then stood up while [REDACTED] fell to the ground. Officer Hackett related he initially went to the left side of [REDACTED] to try to handcuff him, but [REDACTED] was "still struggling" and trying to pull away. Officer Hackett then got on top of [REDACTED] and placed [REDACTED] into a "bearhug" to restrain him until another officer could assist. Officer Hackett related that Officer Miller was the first on scene and Officer Miller asked Officer Hackett "[w]here is it?," which Officer Hackett explained meant where was the weapon. Officer Hackett stated that he felt an object between himself and [REDACTED] on Officer Hackett's right side. Officer Hackett told Officer Miller, "I think it's underneath me." Officer Hackett then rolled [REDACTED] over. At that point, Officer Hackett found a small, black "Maglite" flashlight on the right-hand side. Officer Hackett related that his partner called for an ambulance and additional officers were arriving. Officer Hackett reported he sustained a sprained ankle and a mark on his face from his interaction with [REDACTED]. (Atts. 54, 55)

COPA conducted an interview with Officer Hackett on October 4, 2017. Officer Hackett related that on December 15, 2012, he observed the suspect Trailblazer near 51st and Ashland and knew its location after receiving a notification from an outside unit. Officer Hackett could not recall whether he ever saw the vehicle's license plate. He said the vehicle "matched the exact description" and make of the vehicle previously described by the outside unit. Officer Hackett stated the vehicle was wanted for armed robbery.

Officer Hackett related that he "nosed up" to the suspect vehicle to see what the vehicle would do. When Officers Hackett and Castelli approached the vehicle, it drove off, and the officers initiated a pursuit. Officer Hackett reported that he immediately gave chase and did not discuss the issue with Officer Castelli. According to Officer Hackett, there was no pedestrian traffic until Garfield Boulevard and only "a few cars" on the road. Officer Hackett denied driving too fast for the conditions during the pursuit. He said he was never concerned about striking a pedestrian or another vehicle during the pursuit. According to Officer Hackett, when deciding the pursuit was

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safe, he considered the type of call, traffic and pedestrian volume, location, and weather. He described there being a "light rain" on the day of the pursuit and said it was cold. Officer Hackett stated that he never thought the pursuit was unsafe and he never considered that he was pursuing the wrong vehicle. He also never considered that the people in the car were not armed, explaining that "[a]t the start of the chase, we assumed they were armed. It was coming over the radio multiple times." Officer Hackett said the CPD vehicle went through three intersections. He slowed down at the first intersection, Western, but believed that the light was green at the other intersections.

Officer Hackett denied ever attempting to overtake the Trailblazer. He stated that one point in the in-car camera, at the 11:17:02 time mark, he was attempting to gain speed to approach the vehicle. The officer stated that he never lost sight of the Trailblazer during the pursuit. According to Officer Hackett, he and a sergeant completed the Traffic Pursuit Report (Attachment 13) for this incident. Officer Hackett maintained that he was always able to see the Trailblazer despite the suspect vehicle driving approximately 20 miles per hour faster because there was a "clear shot" down the street. Officer Hackett stated that he personally observed the Trailblazer spin out and crash near 55th and Ashland after the Trailblazer "went into the red light at Ashland." Officer Hackett assumed that the Trailblazer swerved to miss traffic and spun.

According to Officer Hackett, when he turned into the gas station parking lot, [REDACTED] came out of the rear of the Trailblazer in front of the CPD car, "attempting to flee on foot," and was struck by the CPD vehicle. Officer Hackett could not recall how fast he was driving as he turned into the gas station parking lot. Officer Hackett said that the CPD vehicle slid when he struck [REDACTED]. Officer Hackett related that he saw [REDACTED] for a "split second" before [REDACTED] was struck. Officer Hackett denied intentionally hitting [REDACTED] with the CPD vehicle. He also stated that he applied the brakes once he saw [REDACTED] but he did not have enough time to avoid contact with [REDACTED]. Specifically, Officer Hackett stated that [REDACTED] "came out the back right when [Officer Hackett] was turning the corner of the vehicle. When [REDACTED] came out the back there's nothing [Officer Hackett] could do."

Officer Hackett stated that [REDACTED] being struck was omitted from the Traffic Pursuit Report because "that's the pursuit. They're only acknowledging the pursuit aspect of it." According to Hackett, the pursuit ended once the Trailblazer crashed and stopped. Therefore, once [REDACTED] was hit, the pursuit was over. Officer Hackett denied ever losing control of the CPD vehicle. Officer Hackett was asked the following question: "And the Traffic Pursuit Report states that CPD maintained safe maneuvering. However, it appears that you were unable to stop your car to prevent from hitting [REDACTED]. Can you explain this discrepancy?" Officer Hackett responded, "I can't explain it. He came out of the back of the vehicle when I was turning the corner on a car. He appeared right in front of me. He was hit. I hit the brake. He went up under it. And that's how the event started." Officer Hackett was then asked whether he would say he lost control of the CPD vehicle when he struck [REDACTED]. Officer Hackett responded, "At no time."

Officer Hackett stated that when he exited the vehicle, he initially ran after the three offenders who had fled. Officer Castelli then alerted Officer Hackett that [REDACTED] was "coming back out." When Officer Hackett looked back, he saw [REDACTED] crawling out from under the car. Officer Castelli approached [REDACTED] but Officer Hackett pushed her out of the way and tried to get on top of [REDACTED] "to get control of his hands." Officer Hackett related that [REDACTED] hands and arms were

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underneath [REDACTED] torso and Officer Hackett could not see [REDACTED] hands. Officer Hackett related that he was trying to flatten [REDACTED] body to gain access to [REDACTED] hands when [REDACTED] stood up and flipped Officer Hackett.

Officer Hackett stated that he could not see [REDACTED] hands when he was being flipped and could not recall if he felt anything in [REDACTED] hands when [REDACTED] flipped the officer. Officer Hackett stated that he did not see Officer Castelli fire her weapon but, after he was flipped, Officer Hackett heard Officer Castelli state, “gun, gun” and then fire her weapon. Officer Hackett stated that he was approximately two feet from his partner when Officer Castelli discharged her weapon. Officer Hackett stated that at no point did he see [REDACTED] hands prior to [REDACTED] being shot. When asked to show the point at which Officer Castelli stated, “gun, gun,” from the in-car video, Officer Hackett related that it was shortly after Officer Castelli moved to re-holster her weapon and before she discharged her gun.

Officer Hackett stated that after [REDACTED] was shot, Officer Hackett put [REDACTED] in a “bearhug” around [REDACTED] shoulders and held [REDACTED] until Officer Miller arrived, at which point they placed [REDACTED] into handcuffs. Officer Hackett related that there was some blood on his body while he was restraining [REDACTED]. Officer Hackett clarified that it was not the officer’s blood. Officer Hackett related that he was not able to see [REDACTED] hands after [REDACTED] was shot. Officer Hackett stated that he felt an object between himself and [REDACTED] near Officer Hackett’s right hip. Officer Hackett stated that there was nothing in [REDACTED] hands once [REDACTED] was ultimately handcuffed but there was a flashlight on the ground next to [REDACTED] body. Officer Hackett could not recall if [REDACTED] was wearing gloves. Specifically, when asked whether [REDACTED] was wearing gloves, Officer Hackett stated, “I can’t recall. I don’t—to the best of my knowledge, being it’s so long ago, I say, no.” Officer Hackett denied that his flashlight or any other object ever came off his vest during his struggle with [REDACTED].

Officer Hackett explained that when he stated in his Officer’s Battery Report (Attachment 12) that he was involved in an aggravated assault with a handgun, he was referring to the flashlight, which was originally believed to be a gun. He could not provide a reason as to why he indicated in his TRR that [REDACTED] was armed but did not specify that the object that was found was a flashlight. Officer Hackett also could not explain why the other reports did not specify that the object found was a flashlight. (Atts. 38, 81)

### **Interview of accused Officer Terrence Norris**

On October 2, 2017, COPA interviewed Officer Terrence Norris. Officer Norris stated that on December 15, 2012, he was partners with Officer Ryan King. Officer Norris related that on this date, he had not been monitoring Dispatch message related to truck robberies. However, the officer was aware of the pursuit involving [REDACTED] because he heard it over CPD radio transmissions. Officer Norris reported that he was not involved in, nor did he observe the pursuit. A video (Attachment 18) was played for Officer Norris during his COPA interview and he identified himself at the approximately 11:20 AM time mark as the officer seen shoving a man in a blue sweatshirt (identified as [REDACTED]). Officer Norris stated that on December 15, 2012, he was on an active crime scene of a police shooting. Officer Norris did not recall [REDACTED] or pushing [REDACTED] until viewing the video during his COPA statement. According to Officer Norris, [REDACTED]

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was on the crime scene and Officer Norris and his partner approached while yelling at [REDACTED] to get back. Officer Norris recalled that [REDACTED] was yelling statements towards the female officer (identified as Officer Castelli). Officer Norris did not “know for a fact” what [REDACTED] was yelling but believed it was something along the lines of “get her” and “get that female police officer out here.” Officer Norris stated he pushed [REDACTED] because [REDACTED] was on the crime scene and refused to get back. Officer Norris related that he had been yelling from the “get go” to get back and heard other officers also yelling at civilians to get back. Officer Norris indicated that [REDACTED] was the only civilian on the gas station side of the barrier separating the laundromat and gas station parking lots. Officer Norris believed that his use of force in this situation was justified and he did not believe he pushed [REDACTED] too hard. Officer Norris identified [REDACTED] as an assailant on the use of force model because [REDACTED] was yelling at officers on a protected crime scene and he refused to leave. Specifically, Officer Norris said the fact that [REDACTED] was yelling “get that officer out here” and making threats towards Officer Castelli made [REDACTED] an assailant. When asked what threats [REDACTED] was making, Officer Norris said he believed “they were pointing and yelling at the female officer” though he could not remember “word for word” what they said. However, he did remember [REDACTED] saying, “get the female officer” and “we want her.” [REDACTED] was not the only one making these threats, but he was the only one on the side of the barrier doing so. Officer Norris believed [REDACTED] was too close to the crime scene because the deceased and other officers were still present. Per Officer Norris, [REDACTED] was not arrested because the officer’s main concern was the crime scene and officer safety. Officer Norris related that there was a lot of things happening and [REDACTED] was not his focus. (Atts. 4, 5, 6)

**Interview of witness Officer Ryan King**

COPA conducted an interview with Officer Ryan King on October 2, 2017. Officer King stated that on December 15, 2012, he was on tactical patrol in the 9th District with Officer Terrence Norris. Officer King related that he was not monitoring any messages related to tractor-trailer robberies. Officer King recalled a pursuit and being at a gas station at 55<sup>th</sup> and Ashland. However, Officer King stated that he was not involved in the pursuit, nor did he observe the pursuit. Officer King reported that he and Officer Norris approached the gas station and initially attempted to locate suspects who had fled. Officer King related that he never observed any of the fleeing suspects. According to Officer King, when they arrived at the gas station, they saw several squad cars on Garfield Boulevard and at the gas station parking lot, in addition to [REDACTED] body on the ground. Officer King recalled that civilians were present who were yelling and pointing. Officer King was shown a video (Attachment 18) of Officer Norris shoving a man identified as [REDACTED]. Per Officer King, Officer Norris shoved [REDACTED] because [REDACTED] was on the gas station side of the guardrail between the laundromat and the gas station. Officer King related that the guardrail was acting like a barrier for the crime scene. Per Officer King, he and his partner were telling [REDACTED] to get back as they approached. [REDACTED] refused, so Officer Norris pushed [REDACTED] back. Officer King described Officer Norris’ use of force against [REDACTED] as appropriate. (Att. 3)

**Interview of witness Sergeant Kenneth Janeczko**

IPRA completed an interview with Sergeant Kenneth Janeczko on November 6, 2013. Sergeant Janeczko stated that on December 15, 2012, he monitored radio calls that included a man being dragged out of a car and beaten, as well as a robbery near 38<sup>th</sup> and Kedzie. The sergeant



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stated that he responded to the scene at 38<sup>th</sup> and Kedzie where he learned four or five black males had exited a silver SUV and stolen televisions from the back of a semi-truck. Sergeant Janeczko learned that witnesses saw one of these men armed with a handgun. Sergeant Janeczko reported that additional officers sent a flash message with a description of the vehicle and suspects. Sergeant Janeczko began driving around the area to search for the described vehicle. Next, the sergeant heard an OEMC call regarding a truck being robbed near 54<sup>th</sup> and Western with a description of a silver Trailblazer cutting open the back of a truck. Sergeant Janeczko said he “put out on the zone” to “use caution” because the offenders were supposed to be armed.

As Sergeant Janeczko started to drive to the location of the second robbery, he monitored Officer Castelli and Officer Hackett, who, along with an outside unit, had observed the suspect vehicle, tried to stop the car, and initiated a pursuit. The sergeant believed it was Officer Castelli speaking on the radio. The sergeant recalled that he confirmed via radio that he, as a supervisor, was monitoring the pursuit. Sergeant Janeczko stated that he heard a description of the vehicle and the direction of flight so he headed towards that location. The sergeant stated that it was “drizzling out” and “kind of cool” but he did not observe much traffic. According to Sergeant Janeczko, he did not terminate the pursuit due to the severity and number of crimes the SUV was wanted for, as well as the information he obtained from witnesses that multiple offenders were armed. The sergeant stated that he asked what the speeds of travel were for the pursuit to determine if it was safe to continue. Sergeant Janeczko reported that shortly after he asked about the speeds, he heard officers on the air say that the suspect vehicle had crashed and did not get an answer to this question. Sergeant Janeczko reported that he may have terminated the pursuit if the speeds involved were too high, depending on what was occurring. Sergeant Janeczko observed a crashed vehicle when he approached the scene and prior to his arrival, he heard via radio that shots were fired. (Att. 56)

**Interview of witness Officer Ralph Palomino.**

On November 27, 2013, IPRA completed an Interview with Officer Ralph Palomino. Officer Palomino stated that on December 15, 2012, he was monitoring radio calls of armed suspects who had robbed numerous trucks in the 9<sup>th</sup> District. Officer Palomino stated that he was at the intersection of 51<sup>st</sup> and Western and he saw a vehicle matching the description of a silver SUV with Indiana plates that was wanted in relation to the truck robberies. Officer Palomino radioed in the vehicle’s location and shortly after, Officer Hackett and Officer Castelli arrived in a marked CPD vehicle. The suspect vehicle then turned and drove south on Western and Officer Hackett followed. Officer Palomino stated that he was behind Officer Hackett in an unmarked vehicle. Officer Palomino reported that suspect vehicle began driving faster, so Officer Hackett continued with lights and sirens while Officer Palomino followed with his lights and sirens also engaged. Officer Hackett and Officer Castelli took over as the primary car. Officer Palomino believed he was approximately 30 – 40 feet behind Officer Hackett and Officer Castelli. According to Officer Palomino, the silver SUV kept speeding and both the suspect SUV and Officer Hackett and Officer Castelli were further away from Officer Palomino. Officer Palomino reported that the suspect vehicle turned on Garfield Blvd. heading west, so the two police cars kept following. The suspect vehicle increased speed and pulled away from Officer Hackett, who in turn pulled away from Officer Palomino. Officer Palomino estimated he was about a block and a half from the suspect vehicle and about three quarters of a block from Officer Hackett. Officer Palomino

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reported that when he reached Garfield and Ashland, he saw a large splash and guessed, correctly, that the suspect vehicle had crashed. Per Officer Palomino, the two CPD vehicles approached and individuals were seen leaving the crashed SUV. Officer Palomino stated that he continued east and then south in an effort to follow the approximately three men running from the Trailblazer. Officer Palomino then heard Officer Castelli on the radio reporting shots fired, at which point Officer Palomino returned to scene of the crashed SUV on 55<sup>th</sup> and Ashland. Officer Palomino stated when he arrived he saw Officer Castelli, Officer Hackett, and at least two additional officers with the subject (identified as [REDACTED]) on the ground. Officer Palomino stated that he did not see Officer Castelli shoot [REDACTED]. (Att. 57, 58)

**Interviews of witness [REDACTED]**

On December 15, 2012, a witness named [REDACTED] telephoned IPRA and provided a statement. [REDACTED] told IPRA that he was inside the gas station at 55<sup>th</sup> and Ashland and while exiting, he heard a truck sliding in traffic. [REDACTED] then saw a gray Trailblazer had hit a pole outside the gas station and five black men were jumping out of the Trailblazer. [REDACTED] stated that a CPD Tahoe was shortly behind the Trailblazer and hit one of the men who was attempting to flee (identified as [REDACTED]). [REDACTED] stated that [REDACTED] tried to get out from underneath the CPD vehicle and wrestled with the officers before pushing off a male officer (identified as Officer Hackett). [REDACTED] heard a female officer (identified as Officer Castelli) yell, "Don't move," before [REDACTED] heard two gunshots. According to [REDACTED], Officer Castelli shot [REDACTED] in the back two times. [REDACTED] did not know what happened with the additional men who had fled, nor did [REDACTED] see an object in [REDACTED] hand. (Att. 60)

On December 15, 2012 at approximately 5:04 PM, IPRA interviewed [REDACTED]. [REDACTED] related that he was exiting a gas station near 55<sup>th</sup> and Ashland when he saw a gray Jeep Cherokee being chased by an Illinois State Trooper down Garfield Boulevard. [REDACTED] then saw the gray SUV speeding into a pole followed by four black males exiting the vehicle and a fifth man attempting to exit from the rear hatch. [REDACTED] then saw a CPD Tahoe speeding into the gas station and running over one of the men (identified as [REDACTED]). [REDACTED] reported that a second marked CPD Tahoe arrived. [REDACTED] related that [REDACTED] then struggled with a male officer (identified as Officer Hackett) and [REDACTED] pushed Officer Hackett off [REDACTED] body. [REDACTED] stated that a female officer (identified as Officer Castelli) told [REDACTED] not to move. [REDACTED] stated [REDACTED] was attempting to get up when Officer Castelli fired two shots at [REDACTED] back at "point blank range." Per [REDACTED], [REDACTED] was "fucked up from the truck" and could not have reached for a weapon or have gotten far from Officer Castelli. [REDACTED] saw no weapons in [REDACTED] hands. [REDACTED] stated he was approximately 10 feet away and to the right of the gas station's door when [REDACTED] was shot. [REDACTED] stated [REDACTED] was already deceased after he was placed in handcuffs. According to [REDACTED], Officer Castelli shot [REDACTED] because she was irritated and scared. [REDACTED] also reported that there was a rumor circulating after the shooting that [REDACTED] was known for robbing freight trains. (Att. 59)

**Interview of witness [REDACTED]**

IPRA interviewed [REDACTED] on December 15, 2012. [REDACTED] telephoned IPRA and reported that she witnessed a traffic accident that led to a police shooting. [REDACTED] gave a statement

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via phone. According to [REDACTED], she and her husband, [REDACTED], were at the Phillips 66 Gas Station located on 55<sup>th</sup> and Ashland when she heard a crash and saw a SUV had struck a pole outside. [REDACTED] related that her husband was by a gas pump and she was inside when this occurred. Additionally, [REDACTED] elaborated that she saw a CPD Tahoe hit a black male (identified as [REDACTED]) as [REDACTED] ran from the street towards the gas station. [REDACTED] then saw officers (identified as Officer Castelli and Officer Hackett) exiting the Tahoe and attempt to place [REDACTED] in handcuffs. [REDACTED] related that [REDACTED] and the officers had a "brief struggle" before she heard "two or three shots." [REDACTED] did not see a weapon in [REDACTED] hand or know what [REDACTED] injuries were. Per [REDACTED], additional officers arrived and when she attempted to report that Officers Hackett and Castelli "killed him for no reason," officers related to [REDACTED] they did not care. (Atts. 63, 64)

**Interview of witness [REDACTED]**

On December 15, 2012, IPRA received a telephone call from a witness named [REDACTED] in [REDACTED], who gave IPRA a statement via phone. [REDACTED] related that she was about to enter the Phillips 66 Gas Station when she heard a truck speed and crash, followed by several black men jumping out of a truck and running away. Per [REDACTED], one of the men (identified as [REDACTED]) was trying to run away when a CPD Tahoe ran [REDACTED] over. The officers in the Tahoe then went to pull [REDACTED] out. [REDACTED] observed [REDACTED] was struggling with the officers and then she observed multiple gunshots. Attempts to re-interview [REDACTED] were unsuccessful. (Att. 65, 66)

**Interview of witness [REDACTED]**

On December 15, 2012, IPRA received a telephone call from a witness named [REDACTED] who gave a statement via phone. [REDACTED] reported that she was waiting for a bus near 55<sup>th</sup> and Ashland and was across the street from the gas station when she saw a SUV strike a pole and several black men fleeing from the SUV. [REDACTED] stated that she thought she saw a CPD vehicle hit the car, but was unsure. Additionally, [REDACTED] saw a while male officer (identified as Officer Hackett) wrestling with a black male (identified as [REDACTED]). [REDACTED] related that while Officer Hackett and [REDACTED] were wrestling, she heard four or five gun shots and saw [REDACTED] laying on the ground. [REDACTED] did not see a gun in [REDACTED] hands but did see what she thought was a cellphone in [REDACTED] hand. She was not sure if she saw the object during the struggle or after, on the ground. Attempts to re-interview [REDACTED] were unsuccessful. (Atts. 67, 68)

**Interview of witnesses [REDACTED] and [REDACTED]**

IPRA attempted to interview an additional witness, [REDACTED], on December 17, 2012. [REDACTED] told IPRA to speak with her grandfather, [REDACTED]. [REDACTED] related to IPRA that [REDACTED] spoke to CPD following [REDACTED] shooting and that officers refused to let [REDACTED] leave the police station after several hours and that she was not allowed to leave until [REDACTED] came to get her. [REDACTED] also stated that [REDACTED] was intimidated by the detectives and was afraid of cooperating with the investigation. IPRA spoke with [REDACTED] again and she confirmed that she did not want to cooperate with the investigation after how CPD detectives treated her. Additional attempts to interview [REDACTED] were unsuccessful. (Att. 69, 70)

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A **Postmortem Examination** was conducted on [REDACTED] body on December 17, 2012 by Cook County Medical Examiner Dr. Adrienne Segovia. Before the examination, [REDACTED] body was handcuffed behind his back with a black glove on his left hand. [REDACTED] clothing was observed to be soaked in blood. Dr. Segovia noted a gunshot entry wound to [REDACTED] left hip that traveled from left to right, going through his penis and striking his inner right thigh. Dr. Segovia described a second gunshot wound that entered [REDACTED] lower left rear torso and moved upward through his body from left to right with the bullet ending in his upper right arm. Dr. Segovia ruled [REDACTED] cause of death to be homicide from multiple gunshot wounds (Atts. 61, 62)

***Federal Civil Lawsuit 13-CV-00483***

COPA obtained the docket and several documents relating to the federal lawsuit pertaining to this matter, 13 CV 00483, which was filed on June 18, 2014 in the United States District Court for the Northern District of Illinois. The plaintiffs in that case were [REDACTED] mother, [REDACTED] [REDACTED], on behalf of [REDACTED] estate; [REDACTED] sister, [REDACTED] and [REDACTED] son, [REDACTED]. The defendants included the Chicago Police Department, Officer Castelli, and Officer Hackett.

The plaintiffs' **Fourth Amended Complaint**, filed on January 23, 2014, contained twelve counts: wrongful death claims filed pursuant to 42 U.S.C § 1983 and Illinois state law (counts I through III); "survival" claims pursuant to 42 U.S.C § 1983 and the Illinois Survival Act (755 ILCS 5/27-6) (counts IV through VI); a "survival" claim for failure to intervene pursuant to 42 U.S.C § 1983 and the Illinois Survival Act (count VII); a conspiracy claim filed pursuant to 42 U.S.C § 1983 (count VIII); a negligence claim for failure to preserve evidence (count IX); a claim of intentional infliction of emotional distress (count X); a failure to supervise claim (Count XI); and an indemnification claim (count XII).

Counts I through VI of the plaintiffs' Fourth Amended Complaint were based on Officer Castelli's firing of her weapon at [REDACTED]. The plaintiffs alleged, *inter alia*, that Officer Castelli's use of force was unnecessary and/or excessive where [REDACTED] did not engage in any act that justified the use of lethal force by Officer Castelli. Count VII alleged that other officers failed to intervene in Castelli's actions, and count VIII alleged that Officers Hackett and Castelli, and other officers, engaged in conspiracy in that they knew Officer Castelli never suspected [REDACTED] had a weapon. Count IX alleged the officers were negligent in their preservation of evidence; count X alleged several officers on scene used the word "nigger" repeatedly towards [REDACTED] and [REDACTED]; count XI alleged Commander Gorman ignored his duties and did nothing to stop the taunts and verbal abuse levied against [REDACTED] and [REDACTED]; and count XII alleged the City of Chicago should indemnify any claim against any of the defendant officers. (Att. 72)

In April 2014, the defendants moved for summary judgment on all of the plaintiffs' claims, filing a Motion for Summary Judgment, a Memorandum in support thereof, and a Rule 56.1(a)(3) Statement of Uncontested Material Facts. In May 2014, the plaintiffs filed a Response to the Defendants' Rule 56.1(a)(3) Statement of Additional Facts and an Amended Memorandum of Law in response to the plaintiffs' motion for summary judgment. Thereafter, the defendants filed a Reply in support of their motion for summary judgment and a Response to Plaintiffs' Rule 56.1(a)(3) Statement of Additional Facts. (Att. 71)

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In May 2014, the district court denied the defendants' motion for summary judgment with respect to counts I through VI and XII of the plaintiffs' Fourth Amended Complaint and granted it with respect to counts VII through XI. The court dismissed CPD Officers Reiff, Muth, Norris, and Gonzalez, such that the only remaining defendants were Officers Castelli and Hackett and the City of Chicago. In July 2014, the district court entered an agreed order of dismissal, indicating the parties had agreed to settle the matter. (Att. 83)

The parties attached several depositions to their summary judgment pleadings. Summaries of those depositions are as follows.

**Deposition of [REDACTED]**

[REDACTED], who was identified as a witness to [REDACTED] shooting, related in his deposition that on December 12, 2012 he observed [REDACTED] engaged in a "tussle" with a male police officer (identified as Officer Hackett). [REDACTED] flipped Officer Hackett then "got up to run and was shot." [REDACTED] related that during the incident, he was in the parking lot of the laundromat next to the Phillips 66 Gas Station and he was approximately 25 – 30 feet away from the incident. [REDACTED] indicated that he never saw the female officer (identified as Officer Castelli) un-holster her firearm. [REDACTED] further related that after [REDACTED] was shot, he "went down" and Officer Hackett proceeded to grab [REDACTED]. [REDACTED] stated that [REDACTED] was on the ground moving into a standing position and in "motion to run" at the time he was shot. [REDACTED] compared [REDACTED] motion to participants in a track race doing "on your mark, get set, go." [REDACTED] reported that he could not see [REDACTED] right hand immediately before [REDACTED] was shot. However, [REDACTED] stated that while [REDACTED] was wrestling with Officer Hackett before he was shot, [REDACTED] saw [REDACTED] hands. [REDACTED] related that [REDACTED] had nothing in his hands because [REDACTED] was trying to grab Officer Hackett. According to [REDACTED], [REDACTED] lifted Officer Hackett up and flipped the officer off his back before attempting to get up and run away. [REDACTED] related that it did not appear that Officer Castelli was attempting to assist in restraining [REDACTED] because she discharged her weapon as soon as [REDACTED] flipped Officer Hackett. [REDACTED] stated that Officer Castelli was standing next to [REDACTED] and before [REDACTED] had fully stood up, she shot the decedent. [REDACTED] confirmed that there was a "split second" in which [REDACTED] was getting up to run that [REDACTED] could not see [REDACTED] right hand. Per [REDACTED], [REDACTED] and Officer Castelli were face to face once [REDACTED] rose from the ground. [REDACTED] stated that Officer Hackett again had [REDACTED] in a chokehold and that [REDACTED] was placed into handcuffs after he was shot. [REDACTED] reported that [REDACTED] did not struggle after being shot.

Per [REDACTED], he was outside smoking a cigarette when he saw that an SUV had hit a pole and four to six black men were exiting the car and running away. [REDACTED] related that he then saw a police SUV "swerved to the side of the crashed vehicle and they hit [REDACTED]." [REDACTED] was underneath the CPD vehicle when Officer Hackett dragged [REDACTED] out and the two men struggled with each other. [REDACTED] did not recall hearing either officer saying anything to [REDACTED]. However, [REDACTED] believed that the officers may have been mumbling while interacting with [REDACTED] and [REDACTED] was unable to hear what the officers were saying. [REDACTED] testified that after the shooting, he saw a woman he believed to be [REDACTED] mother and gave her his contact information as a witness but he had refused to speak with police officers on the scene. In [REDACTED] opinion, [REDACTED] "was not a threat to these police officers at the time that the incident happened."

██████ also stated that after ██████ was shot, he got closer to the scene and was near a guardrail that separated the gas station parking lot from the laundromat's parking lot. ██████ reported that while he was standing with one leg on each side of the guardrail, a male officer came running through the alley and pushed ██████. ██████ related that he was shouting about the situation with ██████ and he thought this unidentified officer may have heard and that was why the officer pushed ██████. ██████ could not recall the officer's name or badge number. According to ██████ this unidentified male officer gave him no warning prior to the push, nor did the officer tell ██████ to move. When the officer pushed ██████, the officer told ██████, "Go stand over there." ██████ related that he was "still a nice little distance" away from ██████ when the officer pushed him, and ██████ believed the officer could have been nicer about getting him to stand back. This unidentified officer was identified by COPA as Officer Terrance Norris. (Att. 74)

#### **Deposition of Officer ██████**

Officer Terrance Norris, who was also named as a defendant in the federal lawsuit, stated that on December 15, 2012, he heard several calls. He first responded to a call of a wanted vehicle that was traveling down Garfield Boulevard from Western Avenue. Officer Norris related that once he heard that the suspect vehicle was being pursued by police officers, he and his partner, Officer Ryan King headed towards the pursuit. Officer Norris recalled hearing either Officer Castelli or Officer Hackett providing information over the radio. He then heard either Officer Castelli or Officer Hackett call to say the defending vehicle had crashed and the offenders were fleeing on foot. Officer Norris believed the next thing he heard was a call indicating shots were fired. He could not remember who reported shots fired over the radio. Officer Norris and Officer King headed toward the gas station and saw several police cars in the area. Officer Norris also saw a SUV that had wrecked, "a bunch of civilians" in the area, and a couple of squad cars. Officers Norris and King did not stop at the gas station. Instead, they continued touring the area "looking for any of the offenders that were running from the scene." The officers did not apprehend any of the offenders, and Officer Norris did not know if they saw any. About ten minutes after receiving the call of "shots fired," Officers Norris and King drove to the alley behind the gas station and adjacent laundromat. Officer Norris believed at that point, somebody on scene was calling for help or for more officers. Once in the alley, Officer Norris exited the vehicle. Officer Norris believed that when he arrived, Officer Castelli, Officer Hackett, and ██████ were all present on the scene. Officer Norris related that he observed ██████ lying face down in handcuffs and was unaware if ██████ was alive or deceased at this point. Officer Norris stated that he did not see a flashlight but related he was not looking for one. (Att. 75)

#### **Deposition of Officer Timothy Westbrook**

Officer Timothy Westbrook stated that he was at the gas station on the date of ██████ shooting because of the vehicle pursuit involving a Trailblazer with Indiana temporary plates. Officer Westbrook stated that he and his partner, Officer Bradley Loduca, did not pursue the Trailblazer for multiple reasons, including weather conditions and the high rate of speed at which the Trailblazer was driving. He stated that "the truck was going at such a high rate of speed, I just couldn't keep up with either the wanted vehicle or the marked car." Officer Westbrook related that when he and his partner arrived at the gas station, three or four officers were already present. According to a General Progress Report (GPR), Officer Westbrook heard Officer Castelli, "yell

'He's got a gun.'" During his deposition, Officer Westbrook confirmed that he heard Officer Castelli state, "'He's got a gun.' 'I need assistance.'" Officer Westbrook related that he was exiting his police vehicle in the alley behind the gas station when he heard Officer Castelli say this. Officer Westbrook believed [REDACTED] had already been shot when he heard Officer Castelli make these statements. The GPR also stated that Officer Westbrook observed a flashlight in the decedent's right hand during a "split second" where Officer Westbrook was running to the gas station from the alley. Officer Westbrook indicated he was approximately six feet away from [REDACTED] when he observed this. According to Officer Westbrook, he saw [REDACTED] struggling after [REDACTED] was shot while the officers tried to handcuff him. Officer Westbrook further reported that he saw the flashlight a second time after [REDACTED] was shot, as the flashlight was on the ground. (Att. 76)

### **Deposition of Bradley Loduca**

Officer Bradley Loduca related that on the day [REDACTED] was shot, there were Dispatch messages regarding a "vehicle that was wanted for holding up semi-trucks that day." Officer Loduca further testified that the silver SUV [REDACTED] was in was identified as the same vehicle involved in said robberies. Officer Loduca and his partner, Officer Westbrook, were in an unmarked vehicle when they observed the SUV on Western Avenue. The officers initially turned around and followed the vehicle. However, when the occupants of the car identified Officers Loduca and Westbrook as undercover officers, the SUV "took off," speeding away and driving erratically. Officers Loduca and Westbrook called for back-up, and a marked vehicle took over the pursuit (identified as the vehicle occupied by Officer Hackett and Officer Castelli), while Officer Loduca and his partner followed from a distance. Officer Loduca elaborated that distance was maintained because of the rainy weather conditions. He stated, "[i]t was raining out. It was kind of dangerous [...] The unmarked squad cars that are provided us by the City of Chicago are not that safe. They don't have the best tires on them. They are very old." Officer Loduca and his partner eventually saw that the silver SUV crashed in front of the gas station. Next, Officer Loduca and Officer Westbrook entered an alley and exited their vehicle to search for the offenders who fled after the crash. Officer Loduca heard screaming coming from the gas station so he and his partner ran to the gas station via the alley. According to Officer Loduca, he and his partner observed two officers attempting to handcuff a man (identified as [REDACTED]) who struggled with the officers. Eventually, Officer Hackett placed [REDACTED] into handcuffs while the [REDACTED] was on the ground. Officer Loduca denied seeing [REDACTED] get shot or hearing gunshots. While approaching the scene, Officer Loduca related that he heard a female officer screaming. Officer Loduca testified that he thought he briefly observed a flashlight in [REDACTED] right hand. Later on, Officer Loduca saw the flashlight on the ground near where [REDACTED] was shot and announced that it needed to be inventoried. (Att. 77)

### **Deposition of [REDACTED]**

Witness [REDACTED] stated that on December 15, 2012, she went to the Phillips 66 Gas station with a co-worker, [REDACTED], in Cash's blue Ford Explorer. [REDACTED] stated that the weather was rainy on this date. Once she and Cash arrived at the gas station, they went inside and shortly after heard a crash. [REDACTED] stated that she then walked outside and saw three or four men running away from a truck or an SUV. [REDACTED] observed that the vehicle hit a pole. [REDACTED] saw another man

exiting the vehicle and then a police vehicle hitting the man. According to [REDACTED], the police vehicle purposely struck [REDACTED] to prevent him from eluding the officers. Next, [REDACTED] saw a male officer (identified as Officer Hackett) pulling the man (identified as [REDACTED]) from under the police vehicle. [REDACTED] also saw the female officer (identified as Officer Castelli). [REDACTED] related that she witnessed Officer Hackett struggling with [REDACTED], followed by [REDACTED] picking up Officer Hackett to "slam him to the ground," resulting in both men falling to the ground. Next, [REDACTED] was "crawling" and attempting to "get away from the cop," while Officer Hackett had [REDACTED] gripped around the knees. [REDACTED] could not see whether anything was in [REDACTED] hands. [REDACTED] stated she heard people shouting, but did not hear anything from the officers. She indicated Officer Castelli did not instruct [REDACTED] to "Freeze" or tell him to put his hands up. [REDACTED] saw Officer Castelli "step back and shoot" [REDACTED] "in his back two times." [REDACTED] recalled that [REDACTED] was lying on the ground on his stomach at the time he was shot. According to [REDACTED], Officer Castelli stood by Officer Hackett and [REDACTED] "without even trying to even help the male cop resist him [...] Her first reaction was to pull out her gun and shoot." [REDACTED] related that [REDACTED] did not move after he was shot and she saw him in handcuffs afterwards. [REDACTED] stated that after the shooting, she observed a woman whom she thought might be related to the decedent because the woman was visibly upset. [REDACTED] related that she herself was sad, scared, and in shock after the shooting. [REDACTED] indicated that she thought [REDACTED] had been "murdered," because he had been killed for "no apparent reason." (Att. 78)

### **Deposition of Dr. Adrienne Segovia**

Dr. Adrienne Segovia, an assistant medical examiner from the Cook County Medical Examiner's Office, conducted the decedent's autopsy. Dr. Segovia estimated that, at the time of her deposition, she had performed 1,008 postmortem examinations "involving multiple gunshot wounds." Dr. Segovia related that she performed [REDACTED] autopsy on December 17, 2012. Dr. Segovia defined homicide as, "Death at the hands of another," and ruled [REDACTED] death as, "the result of multiple gunshot wounds." Dr. Segovia also stated that there was a black glove on [REDACTED] left hand at the time of his autopsy and he was handcuffed behind his back. Dr. Segovia reported that there was, "a small amount of blood," on [REDACTED].

Dr. Segovia identified Bullet Point No. 1 as "a gunshot wound to the left side of the back," on [REDACTED] located "23 inches beneath the top of the head," and "five inches to the left of the posterior midline." Dr. Segovia related that Bullet Point No. 1 "came in on the left side of the back, fractured the 11<sup>th</sup> rib and then involved the diaphragm [...] then went through the lower portion of the left lung, entered the heart [...] passed through the left atrium, exits on the front [...] exits the chest cavity above the second rib [...] then courses through the musculature of the right side of the chest and into the musculature of the right arm." Dr. Segovia further related that she recovered a "deformed medium caliber copper jacketed bullet," from [REDACTED] right arm. Dr. Segovia elaborated that, "the wound course for this gunshot wound is back to front, left to right, and upward." Dr. Segovia clarified that this bullet never exited [REDACTED] body. Dr. Segovia identified Bullet Point No. 2 on [REDACTED] outer left hip, "32 inches beneath the top of the head and 8.3 inches to the left of the anterior midline." Dr. Segovia described that the course of Bullet Point No. 2 moved, "through the hip [...] towards the front [...] of the lower leg [...] exits the thigh, reenters the body through the penis, then enters into the front of the right thigh." Dr. Segovia clarified that this bullet displayed downward trajectory.



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Dr. Segovia also noted “nonfatal” injuries on [REDACTED] in the form of abrasions and lacerations. Dr. Segovia reported that [REDACTED] right quadricep muscle, “was lacerated or torn,” and that this was, “the result of blunt trauma” and “not associated with the gunshot wound.” According to Dr. Segovia, the location of [REDACTED] gunshot wounds, “would be consistent with the shooter being on the left side” because, “those areas would have had to be exposed to the person who did the shooting.” Dr. Segovia indicated that [REDACTED] would likely not have survived for “very long” after he was shot due to hemorrhaging. Dr. Segovia related that since one shot went through the decedent’s heart and the other went through his femoral artery, both shots were fatal and she could not determine which had killed [REDACTED]. (Att. 79)

Signatures for Factual Summary:

[REDACTED]  
COPA Investigator Kelsey Fitzpatrick, # 61

Approved:

[REDACTED]  
James Murphy-Aguilu, #19  
Supervisor, COPA

## CONCLUSION

### I. Allegation Against Officer Christopher Hackett

COPA recommends a finding of **Sustained** for **Allegation 1** against **Officer Christopher Hackett**, that he engaged in an out of policy pursuit on December 15, 2012.

#### A. Legal Standard

General Order 03-03-01 sets forth the procedures, responsibilities, and restrictions for CPD members who become involved in motor vehicle pursuits. It requires CPD members to apply a balancing test when initiating or continuing a pursuit to determine whether “[t]he necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.” In applying this balancing test, CPD members must determine whether (a) “speeds involved and/or the maneuvering practices engaged in permit the Department vehicle operator complete control of the Department vehicle and do not create unwarranted danger to himself or others;” (b) “volume of pedestrian and vehicular traffic reasonably permit initiating or continuing the pursuit;” and (c) the “weather and road conditions reasonably permit initiating or continuing the pursuit.” General Order 03-03-01 also provides that members will “consider not initiating or terminating an active motor vehicle pursuit whenever the suspect’s identity has been

clearly established to the point that later apprehension can be accomplished without jeopardizing the life or safety of another individual.”

General Order 03-03-01 prohibits a CPD member from continuing a pursuit in certain instances, including when “the primary pursuit unit loses the vehicle being pursued and the secondary pursuit unit cannot reasonably assume the primary pursuit unit’s duties.” Furthermore, the policy states that “[n]o Department vehicle will be driven through an intersection until the member operating the vehicle has determined that it is reasonable and safe to proceed.” Additionally, the tactic of “overtaking” is prohibited during a vehicle pursuit. “Overtaking” is defined by the order as “[t]he passing of a pursued vehicle by a police officer operating an authorized emergency vehicle.” Lastly, an officer initiating a pursuit must immediately notify an OEMC dispatcher that a pursuit is in progress and provide certain information, including the location, speed, and direction of travel.

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. CPD Complaint Register Matrix Guidelines (hereinafter, CR Guidelines) state, “A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place.” *Id.*; see also *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin (i.e., at least a 51 percent likelihood that the facts supporting the occurrence of misconduct are true), then the standard of proof has been met, per CR Guidelines.

#### B. Analysis

Here, a preponderance of the evidence establishes that Officer Hackett engaged in an out of policy pursuit. When applying the balancing test factors set forth in General Order 03-03-01, the necessity to immediately apprehend the SUV did not outweigh the level of danger created by the vehicle pursuit.

Multiple sources of evidence provide that it was rainy and overcast on December 15, 2012. This weather caused diminished visibility with wet and slick roads.<sup>5</sup> The Detective Supplementary Reports for RD #HV603523 stated that Officer Hackett told detectives that the pavement was slick. The in-car camera footage, which shows the Trailblazer fishtailing at one point and later crashing and also shows the CPD vehicle striking [REDACTED], further demonstrates the roads were slick.

According to the Detective Supplementary Reports, Officer Hackett reportedly told the responding detectives that the suspect Trailblazer was fleeing at a high rate of speed and running red lights. According to the Traffic Pursuit Report (TPR), the Trailblazer was driving approximately 90 miles per hour at its highest speed and the CPD vehicle was driving approximately 70 miles per hour at its highest speed. The speeds involved in the pursuit were too

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<sup>5</sup> At several points in the in-car camera footage, it appears that the Trailblazer is no longer visible. Both Officer Castelli and Officer Hackett claimed that they could see the suspect vehicle at all times, and it is possible that the vehicle is not seen in the video footage due to the quality and placement of the in-car camera. At a minimum, the in-car camera footage shows visibility was reduced by the weather conditions.

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high considering the slick road conditions. Sergeant Janezcko, who was monitoring the pursuit, told IPRA that he would have considered terminating the pursuit if the speeds involved were too high. However, the Trailblazer crashed and the pursuit ended before Officers Castelli and Hackett were able to respond to Sergeant Janezcko's question about the speeds being traveled. Officer Palomino, who was following the pursuit, stated that the Trailblazer was speeding and Officer Hackett had to increase speed to keep up, causing Officer Palomino to fall behind. Officer Westbrook, who was also following the pursuit, stated in a deposition that he did not pursue the Trailblazer in part because of weather conditions and the high rate of speed at which the pursuit occurred. Officer Westbrook specifically stated that "the truck was going at such a high rate of speed, I just couldn't keep up with either the wanted vehicle or the marked car." Officer Westbrook's partner, Officer Loduca, also stated in a deposition that he maintained distance from the pursuit because of the rainy weather conditions. To be sure, Officers Westbrook and Loduca were in an unmarked vehicle, and Officer Loduca explained unmarked vehicles were "not that safe," whereas Officers Hackett and Castelli were in a marked vehicle. Nevertheless, we still find it significant that Officers Westbrook and Loduca elected to maintain distance from the pursuit in part due to the weather conditions and high rate of speed.

Ultimately, the fact that the Trailblazer crashed indicates that roads were not safe for a pursuit at the speeds at which the Trailblazer and CPD vehicle were driving. The fact that Officer Hackett struck and ran over [REDACTED] further highlights that maneuvering was not safe given visibility, road conditions, and the weather at the time of the pursuit. Officer Castelli related that the CPD vehicle slid and that was why [REDACTED] was struck. Had the conditions for a pursuit been safe, the CPD vehicle would not have slid and struck [REDACTED].

In addition to striking [REDACTED], the CPD vehicle could have easily hit a pedestrian, bystander in the gas station parking lot, or car. Officer Hackett stated that as he was turning the corner into the parking lot, [REDACTED] appeared out of the back of the vehicle and there was "nothing [Officer Hackett] could do." Officer Hackett's inability to stop the car at this point is notable because Officer Hackett had slowed down significantly. If Officer Hackett were unable to avoid hitting [REDACTED] at reduced speeds because [REDACTED] suddenly appeared in the CPD vehicle's path, it seems especially likely that Officer Hackett would not have been able to avoid hitting a pedestrian or vehicle during the earlier part of the pursuit, when Officer Hackett was driving at much greater speeds, if a pedestrian or vehicle had unexpectedly appeared in the CPD vehicle's path. In this regard, we note the in-car camera footage shows at the end of the pursuit, Officer Hackett passed approximately eight vehicles, in short succession, which were traveling in the same direction as the CPD vehicle. Given the slick roads, this volume of traffic at the end of the pursuit supported Officer Hackett terminating the pursuit.

Officer Hackett claimed in his TPR that he maintained safe maneuvering at all times. Officer Hackett omitted the fact that he hit [REDACTED] from his TPR, claiming that he did so because the pursuit ended after the Trailblazer had crashed. However, the TPR includes a section asking, "Was there a crash associated with this pursuit?" The TPR then asks whether, if a crash occurred, that crash occurred "Before the pursuit," "During the pursuit," "At termination of the pursuit," or "After termination of the pursuit." We see no reason why, given this language, Officer Hackett

would not have included his crashing into [REDACTED] even if, as Officer Hackett suggested, he believed his striking of [REDACTED] occurred after the pursuit had terminated.<sup>6</sup>

Finally, we note that per the in-car camera footage, at approximately the 11:17:02 AM timestamp, the CPD vehicle appears to be next to the Trailblazer, possibly in an attempt to overtake the suspect car. Shortly before this, Officer Hackett drives towards the Trailblazer, when Officer Hackett is crossing the light and before the Trailblazer makes the turn. This occurs at the beginning, right before Hackett gets behind the Trailblazer. Hackett appears to be forcing the Trailblazer into the curb. However, Officer Hackett denied that he was trying to overtake the Trailblazer. Based on footage before and after this maneuvering, it is possible that Officer Hackett was simply turning his vehicle and attempting to gather speed. Thus, a preponderance of the evidence does not establish that Officer Hackett engaged in “overtaking.”

However, for all of the reasons stated, a preponderance of the evidence does establish that Officer Hackett engaged in an out of policy pursuit, as the danger of the pursuit outweighed the need to immediately apprehend the SUV. Accordingly, COPA recommends a finding of **Sustained** for **Allegation 1** against **Officer Christopher Hackett**, that he engaged in an out of policy pursuit. Officer Hackett’s actions constituted a violation of Rule 6 in relation to CPD General Order G03-03-01.

## **II. Allegation Against Officer Terrance Norris,**

COPA recommends a finding of **Sustained** for **Allegation 1** against **Officer Terrance Norris**, that he used excessive and unnecessary force by shoving [REDACTED] on December 15, 2012.

### **A. Legal Standard**

General Order 03-02-02 sets forth the force options available to CPD members.<sup>7</sup> It provides that “[m]embers will maintain a courteous and professional demeanor when dealing with the public” and that “[m]embers will select the appropriate level of force option based on a subject’s actions and modify their selection of options as the subject offers less or greater resistance.”

General Order 03-02-02 categorizes subjects into three categories: cooperative subjects, resisters, and assailants. The policy defines a “[r]esister” as “a person who is uncooperative.” Resisters are subdivided into two categories: passive resisters and active resisters. A passive

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<sup>6</sup> COPA was also unable to find a set of completed Department Vehicle Traffic Crash or Damage report forms. Pursuant to Special Order 04-07-03, a CPD member operating a Department vehicle involved in a traffic crash is required to complete these forms and submit them to an investigating supervisor, who is a CPD member from the district of occurrence of higher rank than the operator of the Department vehicle involved in the crash. If the CPD member driving the vehicle is hospitalized, as Officer Hackett was, the investigating supervisor is required to prepare the reports. It appears from S04-07-03 that an investigating supervisor is assigned when the member operating the vehicle involved in the crash requests OEMC to assign a field unit to investigate, which a CPD member is supposed to “immediately” do.

<sup>7</sup> The use of force policy referenced in this report is the policy that was effective from May 16, 2012 until March 11, 2015. See Attachment 40.

resister is “a person who fails to comply [...] with verbal or other direction.” Holding techniques, pain compliance, control instruments, and oleoresin capicum spray are all acceptable force options for CPD officers to employ when interacting with passive resisters. In contrast to a passive resister, an active resister is categorized as “a person whose actions attempt to create distance between that person and the member’s reach with the intent to avoid physical control and/or defeat the arrest.” Such resistance “includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running.” CPD officers may employ greater levels of force when dealing with active resisters than they can employ when dealing with passive resisters. For instance, officers may use stunning methods and Tasers to control active resisters.

Finally, General Order 03-02-02 defines an “assailant” as “a subject who is using or threatening the imminent use of force against himself/herself or another person.” Assailants are subdivided into three categories. The first type of assailant is one whose “actions are aggressively offensive without weapons.” Permissible use of force against this category of assailants includes direct mechanical techniques, such as punching and kicking. The other types of assailants are assailants whose actions “will likely cause physical injury” and assailants whose actions “will likely cause death or serious physical injury.”

The standard of proof in administrative cases investigated by COPA is “a preponderance of the evidence.” Per CR Guidelines, “A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place.” *Id.*; see also *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin (i.e., at least a 51 percent likelihood that the facts supporting the occurrence of misconduct are true), then the standard of proof has been met, per CR Guidelines.

#### B. Analysis

A preponderance of the evidence establishes that Officer Norris used excessive and unjustified force against [REDACTED].

The video evidence in this case plainly shows that as Officer Norris approached from the alley toward Officers Castelli and Hackett, Officer Norris pushed [REDACTED]. At the time Officer Norris did so, [REDACTED] was standing near the guardrail between the gas station and laundromat, on the side closest to the gas station.

In their COPA interviews, both Officers Norris and King related that they and other officers on the scene told [REDACTED] to step back. However, [REDACTED] stated in a deposition that he was never told to get back, nor was he given any warning prior to being pushed. Notably, [REDACTED] did admit that he was yelling towards the scene of the incident at the time that Officer Norris shoved him. [REDACTED] acknowledgment in this regard lends support to [REDACTED] credibility, particularly because his acknowledgement that he was yelling is consistent with the statements of Officers Norris and King that [REDACTED] was yelling.

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If the officers had not warned ██████ to move before pushing him, then ██████ could not even be considered a passive resister, because he was standing in a publicly accessible parking lot that did not have police tape up at the spot where ██████ was standing. Thus, absent any warning from CPD officers, there was no reason for ██████ to believe he was standing in a location where he could not be standing.<sup>8</sup> Even if, in the officers' minds, the guardrail between parking lots constituted a barrier for the crime scene, it does not mean that civilians on the street would automatically assume the same thing and know they needed to stand on the side of the guardrail closer to the laundromat.

Ultimately, we need not determine whether ██████ was warned to move back because, even if he was, the force Officer Norris used against ██████ was out of CPD policy. If ██████ was refusing to comply with the officers' directions then, at most, he was a passive resister.<sup>9</sup> Pushing was not one of the defined methods acceptable for handling a passive resister on December 15, 2012. As such, the force used against ██████ was not appropriate given ██████ actions and demeanor.

In his COPA interview, Officer Norris said ██████ could be categorized as an "assailant" because ██████ was yelling at officers, making threats toward Officer Castelli, and refusing to move off of the crime scene. Officer Norris believed members of the crowd were pointing at Officer Castelli and stating things to the effect of "get that officer out here" and "we want her." Even if ██████ were engaging in these actions, ██████ would not qualify as an "assailant" because an "assailant" is defined as "a subject who is using or threatening the *imminent* use of force against himself/herself or another person."<sup>10</sup> The video evidence shows that ██████ was several feet from Officers Castelli and Hackett, and he was not advancing while yelling. In the absence of any movement toward Officers Castelli or Hackett, ██████ purported threats were insufficient to establish he was "threatening the imminent use of force" against Officer Castelli.

Further, if Officer Norris truly believed ██████ was threatening the imminent use of force against Officer Castelli, such that ██████ could be considered an assailant, we fail to see how Officer Norris in any way negated the purported threat he perceived when he pushed ██████. Officer Norris' actions did nothing to prevent ██████ from subsequently advancing toward the crime scene. Thus, Officer Norris' behavior suggests he did not actually perceive ██████ as an assailant. In fact, it appears from the video evidence that Officer Norris shoved ██████ because he was agitated and Officer Norris took out his frustration by shoving ██████. While the crime scene may have been hectic in light of the civilians who had gathered, this was not a justification for Officer Norris shoving a non-violent individual. ██████ stated in his deposition that the officer could have been nicer about getting him to stand back and COPA agrees with ██████ assessment. The way in which Officer Norris interacted with ██████ was neither courteous nor professional.<sup>11</sup> Further, it is especially notable that Officer Norris pushed ██████ while ██████ was standing along

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<sup>8</sup> See General Order 03-02-03 (a passive resister is "a person who fails to comply [...] with verbal or other direction").

<sup>9</sup> See General Order 03-02-03 (a passive resister is "a person who fails to comply [...] with verbal or other direction").

<sup>10</sup> Emphasis added.

<sup>11</sup> See General Order 03-02-03 ("[m]embers will maintain a courteous and professional demeanor when dealing with the public").

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**FINDINGS**

**Officer Christopher Hackett star# 7447**

Allegation 1 –Sustained

**Officer Terrance Norris star# 16143**

Allegation 1 –Sustained

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a guardrail. If [REDACTED] standing where he was standing was an issue, Officer Norris or other CPD officers should have addressed the issue in a way that complied with the CPD's use of force policy and allowed [REDACTED] both respect and preservation of his personal safety.

Based on all of the foregoing, COPA recommends a finding of **Sustained** for **Allegation 1** against **Officer Terrance Norris**, that he used excessive and unnecessary force by shoving [REDACTED] on December 15, 2012. COPA finds that in using the excessive and unnecessary force, Officer Norris violated Rule 2, Rule 6 in relation to CPD General Order G03-02-02, Rule 8, and Rule 9.

Approved: [REDACTED]

Deputy Chief Administrator Andrea Kersten, COPA